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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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J.K.J.,

Plaintiff,

Civil Action No. 15-cv-428-wmc

v.

POLK COUNTY AND  
DARRYL L. CHRISTENSEN,

Defendants,

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M.J.J.,

Plaintiff,

Civil Action No. 15-cv-433-wmc

v.

POLK COUNTY AND  
DARRYL L. CHRISTENSEN,

Defendants,

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**PROPOSED CHANGES TO CLOSING INSTRUCTIONS**

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Plaintiffs continue their objection and propose the following changes to the Constitutional claim against Defendant Christensen:

The phrase “that he actually knew of a substantial risk of harm and that he consciously disregarded this risk by failing to take reasonable measures to deal with it” would cause juror confusion when the facts of this case are applied to this instruction.

Plaintiffs propose the following language:

“... that he knew that his actions posed a substantial risk of harm to inmates and that he consciously disregarded this risk by engaging in sexual contact with the inmates.”

In addition, Plaintiffs propose the following additional instruction to be added to the Constitutional claims against both Defendant Polk County and Defendant Christensen:

A fact finder may conclude that a prison official knew of a substantial risk from the very fact that the risk was obvious.

Farmer v. Brennan, 511 U.S. 825, 842, 114 S. Ct. 1970, 1981, 128 L. Ed. 2d 811 (1994)

**ECKBERG LAMMERS, P.C.**

1/30/2017

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